

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: Keith A. Pierce

)
) Case No. 22-10434-JCM
)
) Chapter 13
Debtor(s).) Related to Doc. No. 131
X

ORDER OF COURT
(Check Boxes That Apply)

☒ Confirming Plan on Final Basis

☐ Chapter 13 Plan dated:

☐ Authorizing Distributions Under Plan ☒ Amended Chapter 13 dated:
On Interim Basis Solely as Adequate January 11, 2024
Protection

IT IS HEREBY ORDERED that the Chapter 13 Plan Payment is \$100 effective 10/22.

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$, beginning . To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- _____
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
- _____

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-

- ☒ K. Additional Terms and Conditions:
*PNC Bank CL#8 to be paid \$250 per month as a long term continuing debt;
Debtor is responsible for any balance due at the end of the plan term; Trustee will have no calculation as to what is owed at the end of the plan term and makes no representation regarding the balance
*Attorney fees based off a retainer of \$375 and remaining fees \$4625

**All plan payments must be by TFS, WA, or (where eligible) ACH. Trustee reserves the right to reject money orders or cashier's checks, provided further that if she, in her discretion, presents such items for payments she may keep the funds on hold for more than 30 days before distributing on such types of payments. Debtors making payments by money order or cashier's check assume the risk that distributions under the plan will be delayed because of the failure to pay by one of the approved methods.*

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine

the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.L.B.R. 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

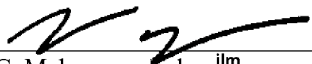
E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: February 26, 2024



John C. Melaragno, Judge jlm
United States Bankruptcy Court

cc: All Parties in Interest to be served by Clerk

SIGNED
2/26/24 9:23 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

In re:
Keith A. Pierce
Debtor

Case No. 22-10434-JCM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

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Date Rcvd: Feb 26, 2024

Form ID: pdf900

Total Noticed: 49

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 28, 2024:

Recip ID	Recipient Name and Address
db	+ Keith A. Pierce, 1748 Clifford Dr., Erie, PA 16505-2806
r	+ Mary Magorien, Howard Hanna Real Estate Services, 3738 Sterrettania Road, Erie, PA 16506-2829
15529422	+ Barbara A. Pierce, 3063 West 11th Street, #9, Erie, PA 16505-3971
15529423	Berkheimer Associates, PO Box 995, Bangor, PA 18013-0995
15518062	Capital One, NA, Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
15529424	Centers for Rehab, PO Box 382059, Pittsburgh, PA 15250-0859
15529426	Consumer Reports, PO Box 2073, Harlan, IA 51593-0272
15518065	+ Earthlink f/d/b/a One Communications, Recovery Management Solutions, LLC, 485 Cayuga Rd., Cheektowaga, NY 14225-1368
15529428	+ Erie City Treasurer, Erie City Hall, 626 State Street, Erie, PA 16501-1146
15518066	Erie County Tax Claim Bureau, Erie County Courthouse, 140 West 6th Street, Room 110, Erie, PA 16501-1073
15529429	Erie Water Works, 340 West Bayfront Parkway, Erie, PA 16507-2004
15529430	+ Fairview Township Tax Collector, PO Box 90, Fairview, PA 16415-0090
15518069	#+ Frank & Israel, 6562 Ridings Road, Syracuse, NY 13206-1201
15529432	+ Millcreek Township Tax Collector, 3608 W 26th St #102, Erie, PA 16506-2059
15518075	+ National Recovery Inc., 2491 Paxton Street, Harrisburg, PA 17111-1036
15518076	+ Orthopaedic & Sports Medicine of Erie PC, 100 Peach Street, Suite 400, Erie, PA 16507-1423
15529433	PA Dept of Revenue, Department 280948, Harrisburg, PA 17128-0948
15518078	+ Penelec / First Energy, 331 Newman Springs Road, Building 3, Red Bank, NJ 07701-5688
15518077	Penelec / First Energy, 100 Crawford's Corner Road, Building 1, Suite 1-511, Holmdel, NJ 07733
15518086	+ Tax Sales, MacDonald Illig Jones & Britton, 100 State Street, Suite 700, Erie, PA 16507-1459
15529437	+ Waste Management, PO Box 43470, Phoenix, AZ 85080-3470

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
15518060	Email/Text: collectors@arresourcesinc.com	Feb 27 2024 00:20:00	AR Resources Inc., POB 1056, Blue Bell, PA 19422
15518063	Email/Text: Bankruptcy.RI@Citizensbank.com	Feb 27 2024 00:19:00	Citizens Bank, One Citizens Bank Way, Mailstop JCA115, Johnston, RI 02919
15518061	+ Email/Text: bankruptcy@cavps.com	Feb 27 2024 00:20:00	Calvary SPV I, LLC, 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-2321
15529425	Email/Text: bankruptcies@ccf.org	Feb 27 2024 00:20:00	Cleveland Clinic, POB 89410, Cleveland, OH 44101-6410
15529427	+ Email/Text: bdsupport@creditmanagementcompany.com	Feb 27 2024 00:20:00	Credit Management Company, Foster Plaza Building 7, 661 Andersen Drive, Suite 110, Pittsburgh, PA 15220-2700
15518064	+ Email/Text: mrdiscen@discover.com	Feb 27 2024 00:19:00	Discover Bank, DB Servicing Corp., POB 3025, New Albany, OH 43054-3025

District/off: 0315-1

User: auto

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Date Rcvd: Feb 26, 2024

Form ID: pdf900

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15518067	Email/Text: rj@ffcc.com	Feb 27 2024 00:19:00	First Federal Credit Control, 24700 Chagrin Blvd. Suite 205, Cleveland, OH 44122-5662
15518068	Email/Text: FirstmarkAccountMa@firstmarkservices.com	Feb 27 2024 00:20:05	Firstmark Services, Attn: Bankruptcy, PO Box 82522, Lincoln, NE 68501
15529431	Email/Text: sbse.cio.bnc.mail@irs.gov	Feb 27 2024 00:20:00	Internal Revenue Service, Centralized Insolvency Operations, PO Box 7346, Philadelphia, PA 19101-7346
15518070	+ Email/Text: PBNCNotifications@peritussservices.com	Feb 27 2024 00:19:00	Kohls, Attn Credit Adm, POB 3043, Milwaukee, WI 53201-3043
15518071	+ Email/Text: PBNCNotifications@peritussservices.com	Feb 27 2024 00:19:00	Kohls / Capital One, PO Box 3115, Milwaukee, WI 53201-3115
15518072	+ Email/Text: Bankruptcy@natfuel.com	Feb 27 2024 00:20:00	National Fuel Gas, PO Box 2081, Erie, PA 16512-2081
15518073	+ Email/Text: Bankruptcy@natfuel.com	Feb 27 2024 00:20:00	National Fuel Gas, Correspondence, 1100 State Street, Erie, PA 16501-1912
15518074	+ Email/Text: Bankruptcies@nragroup.com	Feb 27 2024 00:20:00	National Recovery Agency, Attn: Bankruptcy, POB 67015, Harrisburg, PA 17106-7015
15550104	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2024 00:19:00	PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101
15518081	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2024 00:19:00	PNC Bank, 2730 Liberty Ave, Pittsburgh, PA 15222
15518079	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2024 00:19:00	PNC Bank, POB 1820, Dayton, OH 45401-1820
15518080	Email/Text: Bankruptcy.Notices@pnc.com	Feb 27 2024 00:19:00	PNC Bank, POB 94982, Cleveland, OH 44101
15518083	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 27 2024 00:27:56	Portfolio Recovery Associates, PO Box 12914, Norfolk, VA 23541
15518082	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Feb 27 2024 00:28:09	Portfolio Recovery Associates, PO Box 41067, Norfolk, VA 23541
15529434	Email/Text: BankruptcyEast@firstenergycorp.com	Feb 27 2024 00:20:00	Penelec / First Energy, PO Box 3687, Akron, OH 44309-3687
15529435	Email/Text: dl-csgbankruptcy@charter.com	Feb 27 2024 00:20:00	Spectrum, 4145 S. Falkenburg Road, Riverview, FL 33578-8652
15518084	+ Email/Text: amccoy@synerpriseconsulting.com	Feb 27 2024 00:20:00	Synerprise Consulting Svs. Inc., 5651 Broadmore Street, Mission, KS 66202-2407
15518085	+ Email/Text: amccoy@synerpriseconsulting.com	Feb 27 2024 00:20:00	Synerprise Consulting Svs. Inc., 2809 Regal Road, Ste. 107, Plano, TX 75075-6349
15529436	^ MEBN	Feb 27 2024 00:19:37	UPMC Health Services, PO Box 371472, Pittsburgh, PA 15250-7472
15518087	+ Email/Text: BNCnotices@dcmservices.com	Feb 27 2024 00:20:00	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15518088	+ Email/Text: BNCnotices@dcmservices.com	Feb 27 2024 00:20:00	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15518089	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Feb 27 2024 00:19:00	Verizon Wireless, Attn: Bankruptcy Dept., PO Box 3397, Bloomington, IL 61702-3397

TOTAL: 28

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PNC BANK, NATIONAL ASSOCIATION

District/off: 0315-1

User: auto

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Date Rcvd: Feb 26, 2024

Form ID: pdf900

Total Noticed: 49

15552243

*P++

PNC BANK RETAIL LENDING, P O BOX 94982, CLEVELAND OH 44101-4982, address filed with court:, PNC Bank, N.A.,
P.O. Box 94982, Cleveland, OH 44101

TOTAL: 1 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 28, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 26, 2024 at the address(es) listed below:

Name	Email Address
Denise Carlon	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION dcarlon@kmlawgroup.com
Maribeth Thomas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mthomas@tuckerlaw.com, maribeth.thomas@gmail.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteewdpa.com
Stephen H. Hutzelman	on behalf of Debtor Keith A. Pierce stephen@hh-legal.com shutzelman@ecf.inforuptcy.com;ann@hh-legal.com

TOTAL: 5